

## **ATTACHMENT A**

### **Remarks**

Considering the matters raised in the Office Action in the same order as raised, claims 25-27 have been objected to because these claims improperly depend from cancelled claim 1. These claims have been amended so that they now depend from claim 29 as intended. The Examiner is thanked for pointing out this error.

Claims 25-77 have been rejected "under the judicially created doctrine of double patenting over claims 1-9 of US Patent No. 6,222,531 since the claims, if allowed, would improperly extend the 'right to exclude' already granted in the patent." In support of the rejection, the Examiner states that "the patent and application are claiming common subject matter, as follows: A computerized control management system." While it is respectfully submitted that this bare statement of "common subject matter" is not sufficient to support a double patent rejection, a terminal disclaimer is submitted herewith in order to expedite the prosecution. Hence, withdrawal of the "double patenting" rejection of claims 25-77 is respectfully requested.

Claims 25-27 have also been rejected under 35 U.S.C. 103(a) as being "unpatentable over the LaJoie et al (US Patent No. 5,850,218) in view of Portuesi (US Patent No. 5,987,509)." This rejection is respectfully traversed.

Turning first to the rejection of claim 29, the Examiner acknowledges that "Portuesi fails to explicitly teach the plurality of controls having a first configuration in which at least one of the controls is opaque, and a second configuration in which at least one of the controls are [sic] at least semi-transparent, such that occurrence of a particular event switches the plurality of controls between the first and the second configurations." The Examiner states that the LaJoie patent teaches the "plurality of controls" as claimed and refers to column 23, line 45-67 and Figure 16. The Examiner also contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine this feature "to displaying active uniform network resource of Portuesi in order to provide a full service TV system capable of delivering advanced TV services such as channel navigator and an interactive program guide."

It is respectfully submitted that the contentions of the Examiner are not well taken. Lines 45-57 of column 3 have been carefully considered but merely seem to indicate that "indicator 342 may be transparent, as shown, or opaque, and displays the time and channel number currently being displayed." There is no discussion of switching the indicator between the transparent and opaque states thereof and thus, even if it is assumed for sake of argument that, based on this teaching of the LaJoie patent, an "indicator" could be made either transparent or opaque, the resultant hybrid combination would not be that claimed in claim 29.

With respect to claims 25-28 and claims 30-32, the Examiner reproduces the language of these claims and states that the LaJoie patent discloses the features in question. The Examiner refers to column 19, lines 10-67 and Figures 6 and 7 with respect to claims 25-28 and refers to column 18, lines 11-15 and Figure 9 with respect to claims 30-32. Claims 25,26,30 and 31 all recite a "particular event" the occurrence of which switches the plurality of controls between the first and second configurations, and claim 29, for example recites, as this event, the positioning of the user-controllable pointer within the graphical interface relative to the at least one display. As indicated above, the LaJoie patent merely refers to an indicator that can be either transparent or opaque and certainly does not describe switching of the indicator between the transparent and opaque states thereof responsive to positioning of a user-controllable pointer within the graphical user interface relative to the at least one display, as claimed on claim 29. Similar remarks apply to claim 26, 30 and 31. Again, the figures and passages in the specification referred to in rejecting the claims have been carefully considered but are simply not seen to disclose the features recited in these claims.

The Examiner claims 33-34 have been grouped together with claims 27-32, i.e., these claims have been indicated as being "analyzed as previously discussed with respect to claims 27-32 above." It is respectfully submitted that claims 33-44 are patentable for at least the reasons set forth above in support of claims 27-32 and, with respect to dependent claim 45, this claims is patentable for at least the reasons set forth in support of the patentability of parent claims 42.

With respect to claim 46, the Examiner states that this claim differs from claims 29 and 38 with respect to a particular recitation claim 46 recites, inter alia, that the

"application program is responsive to the control element" and "the control element has two or more sets of display characteristics, wherein the first set of display characteristics is substantially opaque and a second set of display characteristics is substantially non-opaque and wherein the set of display characteristics displayed is a function of the distance between the control and pointer." It is respectfully submitted that the feature of claim 46 wherein one set of display characteristics is substantially opaque and a second set of display characteristics is substantially non opaque and wherein the set of display characteristics that is displayed is a function of the distance between the control and pointer is simply not disclosed in nor suggested by either of the references. The Examiner refers to column 26, line 1-67 of the LaJoie patent and also to Figures 16-19. These lines relate to highlighting either the contents of an earlier or later cell under the action of left and right arrow keys or using the up/down arrow keys to cause the cell contents to scroll vertically down or up. These lines also describe pressing application keys to cause a title mode display of the guide to be displayed or causing a time mode display to be displayed. None of the discussion here appears to relate to the subject matter of claim 46, and given the extensive, open-ended nature of the long passage to which the Examiner refers, and thus, if this rejection is pursued, it would be appreciated if the Examiner could point out precisely which portions of the passage are being relied on, as well as the corresponding portions of Figures 16-19.

Regarding claim 50, the Examiner states that this claim differs from claims 29,38 and 46 because of the recitation "computerized control management comprising: a computer coupled to a display and having a user-controllable pointer; and application program executable on the computer, a control element on the display wherein the control element is defined by the boundaries of the control." First, it is respectfully submitted that the Examiner has only quoted selected portions of the claim and has, for example, made no reference to the recitation in claim 50 that "the set of display characteristics changes when the pointer is within the boundaries of the control." The display characteristics are recited as a first set of display characteristics which is substantially opaque and a second set of display characteristics which is substantially non-opaque. Thus, claim 50 distinguishes over the references for some of the same

reasons discussed above and further distinguishes on the basis that the set of display characteristics changes when the pointer is within the boundaries of the control. The Examiner refers to columns 23-24, lines 1-67, i.e., to most of both columns 23 and 24, but it is not seen what features of the LaJoie device as described in this extensive open ended passage are believed to be a teaching of the present invention as claimed in claim 50. In this regard, a portion of column 23 has already been discussed above and distinguished from the present invention. Again, if the Examiner intends to pursue this rejection it is respectfully requested that it be pointed out where in columns 23 and 24 there is a description of the present invention as claimed in claim 50.

Claims 51-64 have been stated to be "analyzed as previously discussed with respect to claims 27-32 and 45-50 above." It is respectfully submitted that these claims are patentable for the reason discussed above, although independent claim 58 is patentable for somewhat different reasons. Claim 58 recites, *inter alia*, that the one or more groups of controls (each having one or more useable-accessible control to which at least one application program is responsive) has two or more display modes wherein each display mode is a set of display characteristics and wherein each control has a position and boundaries. It is respectfully submitted that the subject matter of claim 58 is not taught by the references cited neither alone or in combination.

With respect to claim 65, the Examiner essentially recites the subject matter of this claim and states that the Portuesi patent discloses this subject matter. Specific reference is made to column 5, lines 7-67 and Figures 3 and 4. Column 5 of the Portuesi patent relates to embedding of URLs into a movie file by a URL track that is associated with another track in the movie file. The URL track allows active URLs, such as hypertext links and hotspots to be created within the movie display during playback of the movie file. Given these teachings, it is not clear how the subject matter of claim 65 is being read on the cited passage of the Portuesi patent and, based on what appears to be taught in this passage, it is respectfully submitted that claim 65 patentably distinguishes over the Portuesi patent. Again, if the Examiner disagrees, it is respectfully requested that the Examiner point out what portions of the passage are being relied on.

Finally, claim 67 has been grouped with (i.e., "analyzed as previously discussed with respect to") claims 27-32 and 45-50. It is respectfully submitted that this claim defines over the references cited for generally the same reasons as discussed above. In this regard, claim 67 recites a graphical user interface including at least one control having at least one action and a variable opacity capable of changing in response to an event, as well as at least one of a plurality of control programs which is capable of displaying the at least one control and changing its opacity in response to an event. Again, it is respectfully submitted that this feature is simply not disclosed in, nor obvious from, either of the references relied on, whether considered singly or on combination.

Allowance of the application in its present form is respectfully solicited.